

PUBLIC CHAPTER NO. 465

SENATE BILL NO. 64

By Burks, Black, Woodson, Tracy, Crowe, McNally, Burchett, Johnson, Stanley, Watson, Ketron, Bunch, Williams, Ford, Raymond Finney, Kilby, Beavers, Norris, Jackson, Herron, Marrero, Harper

Substituted for: House Bill No. 8

By Curtiss, Bass, Curt Cobb, John Deberry, Hawk, Montgomery, Overbey, Fincher, Sontany, Lollar, Windle, Brown, Ford, Williams, Litz, Todd, Mumpower, Yokley, Bone, Shaw, Hensley, Odom, Crider, Lundberg, Harrison, Gresham, Curtis Johnson, Vaughn, Campfield, Favors, Harry Brooks, Maddox, McDaniel, Roach, DuBois, McManus, Eldridge, Towns, Matheny, McCormick, Harmon, Hood, Fitzhugh, Hackworth, Mike Turner, Miller, Hardaway, Ferguson, Moore, Coley, McDonald, Rinks, Bibb, Fraley, Coleman, Floyd, Pitts, Phillip Johnson, Ulysses Jones, Maggart, Lynn, Bell, Jim Cobb

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, Part 2, relative to sexual offenders and violent sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivisions (16) and (24) and substituting instead the following:

(16) "Sexual offender" means a person who has been convicted in this state of committing a sexual offense as defined in subdivision (17); or has another qualifying conviction as defined in subdivision (2);

(24) "Violent sexual offender" means a person who has been convicted in this state of committing a "violent sexual offense", as defined in subdivision (25), or has another qualifying conviction, as defined in subdivision (2);

SECTION 2. Tennessee Code Annotated, Section 40-39-203, is amended by designating subdivision (a)(2) as (a)(3) and by adding the following new (a)(2):

(2) Regardless of an offender's date of conviction or discharge from supervision, an offender whose contact with this state is sufficient to satisfy the requirements of subdivision (1) and who was an adult when the offense occurred is required to register in person as required by this part if such person was required to register as any form of sexual offender in another jurisdiction prior to such offender's presence in this state.

SECTION 3. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subsection (j) and by relettering existing subsections accordingly.

(j)(1) Notwithstanding the registration deadlines otherwise established by this section, any person convicted of a sexual offense or violent sexual offense in this state or who has another qualifying conviction as defined in § 40-39-202(2), but who is not required to register for the reasons set out in subdivision (2), shall have until August 1, 2007 to register as a sexual offender or violent sexual offender in this state.

(2) The provisions of subdivision (1) shall apply to offenders:

(A) Whose conviction for a sexual offense or violent sexual offense occurred prior to January 1, 1995;

(B) Who were not on probation, parole, or any other alternative to incarceration for a sexual offense or prior sexual offense on or after January 1, 1995;

(C) Who were discharged from probation, parole, or any other alternative to incarceration for a sexual offense or violent sexual offense prior to January 1, 1995; or

(D) Who were discharged from incarceration without supervision for a sexual offense or violent sexual offense prior to January 1, 1995.

SECTION 4. Tennessee Code Annotated, Section 40-39-202, is amended by deleting the second and third sentences of subdivision (2) and substituting instead the following:

A "conviction" includes, but is not limited to, a conviction by a federal court or military tribunal, including courts-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. A conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, for an offense committed in another jurisdiction that would be classified as a "sexual offense" under subdivision (17) or a "violent sexual offense" under subdivision (25), if committed in this state, shall be considered a "conviction" for the purposes of this part.

SECTION 5. For the purpose of implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on August 1, 2007.

PASSED: June 7, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of June 2007



PHIL BREDESEN, GOVERNOR